

Message Text

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PAGE 01 GENEVA 08959 131903Z
ACTION IO-14

INFO OCT-01 EA-10 ISO-00 STRE-00 NRC-05 AGRE-00 CEA-01
CIAE-00 COME-00 DODE-00 EB-08 FRB-03 H-01 INR-10
INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01 CTME-00
AID-05 SS-15 STR-07 ITC-01 TRSE-00 ICA-11 SP-02
SOE-02 OMB-01 DOE-15 /130 W
-----043037 131906Z /75

P 131642Z JUN 78
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 0791
AMEMBASSY TOKYO PRIORITY

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USMTN
ACTION STR PASS ELECTRICALLY
STR PASS CODEL

E.O.11652:N/A
TAGS:MTN, ETRD, JA
SUBJECT: JAPANESE LAWS AND REGULATIONS REGARDING AIRCRAFT,
NUCLEAR REACTORS, AND HUNTING GUNS

REFS: (A) GENEVA 3324, (B) GENEVA 8385, (C) GENEVA 8881

1. IMPROVED JAPANESE TARIFF OFFER REPORTED REFTEL
INCLUDES ITEMS PREVIOUSLY EXCLUDED FOR NATIONAL SECURITY
AND OTHER REASONS. HOWEVER, THE COVERING NOTE STATES
THAT "OFFERS ON ITEMS SUCH AS AIRCRAFTS, NUCLEAR
REACTORS, AND HUNTING GUNS ARE MADE ON CONDITION THAT
PRESENT DOMESTIC LAWS AND REGULATIONS (INCLUDING IMPORT
MEASURES) CONCERNING THESE ITEMS ARE TO BE MAINTAINED."
(PRODUCTS COVERED ALSO INCLUDE AIRCRAFT PARTS, ENGINES
FOR AIRCRAFT, PARTS OF NUCLEAR REACTORS, AND FIREARMS
PARTS AND AMMUNITION.)

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2. MTN DEL IS UNFAMILIAR WITH JAPANESE LAWS AND REGULATIONS WHICH MAY AFFECT TRADE IN THESE ITEMS. SINCE
JAPANESE MTN DELEGATION IS UNABLE OR UNWILLING TO PROVIDE
A WRITTEN DESCRIPTION OF THEM, WE WOULD APPRECIATE
EMBASSY TOKYO'S ASSISTANCE IN OBTAINING DESCRIPTION OF
COMPLETE RANGE OF LAWS AND REGULATIONS (EXCEPT GOVERNMENT

PROCUREMENT) CONTROLLING IMPORTATION AND SALES OF SUBJECT PRODUCTS. MTN DEL WOULD APPRECIATE DETAILS ON HOW SYSTEMS OPERATE BOTH IN TERMS OF AN INTERNAL CONTROL SYSTEM (SUCH AS FIREARMS REGISTRATION, AIRWORTHINESS TESTS, ETC.) AND AT THE BORDER. WE ARE PARTICULARLY CONCERNED AS TO WHETHER THESE LAWS AND REGULATIONS ARE OR CAN BE APPLIED IN A MANNER SO AS TO DISCRIMINATE AGAINST U.S. EXPORTS.

3. IN MARCH BILATERAL NTM REVIEW, U.S. AND JAPAN DISCUSSED U.S. REQUEST ON DISCRETIONARY LICENSING OF LIGHT AIRCRAFT (REFTEL A). AT THAT TIME JAPANESE STATED THAT AIRCRAFT IMPORT LICENSES ARE AUTOMATICALLY GRANTED UPON RECEIPT OF DECLARATION THAT PLANES WILL NOT BE USED FOR PURPOSES INCOMPATIBLE WITH NATIONAL SECURITY, BUT THAT CRITERIA WERE VAGUE AND COULD GIVE RISE TO DIFFERENCES OF INTERPRETATION. SUBSEQUENTLY, JAPANESE DEL PROVIDED INFORMATION THAT LIGHT AIRCRAFT ARE NOT SUBJECT TO THE LICENSING PROCEDURE. SIMILARLY, JAPANESE ASSERTED THAT MEASURES APPLYING TO FIREARMS DO NOT HAVE A RESTRICTIVE EFFECT. MTN DEL WOULD APPRECIATE HELP OF EMBASSY TOKYO IN OBTAINING CLARIFICATION/VERIFICATION OF THESE AND OTHER PRACTICES ON PRODUCTS COVERED BY HEADNOTE AS SOON AS POSSIBLE.

4. FOR WASHINGTON: INASMUCH AS U.S. NTM REQUEST OF JAPAN ONLY INCLUDED LIGHT AIRCRAFT AND SPORTING FIREARMS, WE LIMITED OFFICIAL USE

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ARE ASSUMING THAT THERE HAVE BEEN NO SIMILAR PROBLEMS ON OTHER AIRCRAFT AND NUCLEAR REACTORS. WE ALSO NOTE THAT THESE TYPES OF RESTRICTIONS (EXCEPT GOVERNMENT PROCUREMENT) DO NOT APPEAR IN RESPECTIVE PRODUCT SECTOR OBJECTIVES PAPERS. MTN DEL INTENDS TO INDICATE TO JAPANESE THAT U.S. MAY BE ABLE TO ACCEPT THEIR CONDITIONS IN PRINCIPLE, SUBJECT TO VERIFICATION OF NONDISCRIMINATION. ON LIGHT AIRCRAFT AND SPORTING FIREARMS, WE NEED GUIDANCE AS TO IMPORTANCE OF TARIFF REDUCTION VIS-A-VIS NTM'S.

5. DRAFTED BY WHITE. MCDONALD

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Message Attributes

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